REMARKS

Claims 1-9 are pending in the application.

The Specification has been amended to correct two obvious typographical errors. The paragraph beginning at page 6, line 3, and ending at page 6, line 7, has amended to change "Fig. 14" to "Fig. 4" because the drawings do not include a Figure 14, and the portable cellular phone 14 referred to as shown in a Figure 14 is actually present in Figure 4 and in none of the other drawings. In addition, the paragraph beginning at page 13, line 4, and ending at page 13, line 17, has been amended to change "cellular telephone numbers 12 numbers" to "cellular telephone numbers 12" to eliminate the unnecessary doubling of the term numbers.

Claims 1-9 have been amended by adding the phrase "and for preventing unauthorized copying of" in the first line of each claim, and Claim 1 has been further amended by adding the phrase "thereby preventing unauthorized copying" at line 13 of the claim. Support for these amendments may be found in the Specification at page 2, lines 17-20, at page 4, lines 13-18, and at page 14, lines 13-15.

The Claimed Invention

The claimed invention provides a backup method for applications used in connection with a portable cellular phone 14, such that a licensor may prevent an application from being used on a cellular telephone for which such use is not authorized. (Specification at 2, lines 17-20; at 4, lines 13-18; and at 14, lines 13-15) In one embodiment, the portable cellular phone 14 includes a main device 1, a memory 2, and a memory transfer device 3. According to the claimed invention, an application storing memory 2a provides a region used to store application information that has been installed in the portable cellular phone 14. A memory transfer device 3 is used to transfer data in the application storing memory 2a to other devices. Thus, an application may be backed up so that backup data may be used to restore the application in the portable cellular phone 14.

Manufacture serial number information 11 and a portable cellular phone number 12 may be stored in the portable cellular phone 14. Application information 13 representing application information may be stored in the application

storing memory 2 of the portable cellular phone 14. When data is transferred between the portable cellular phone 14 and a data backup device 15, the data format may include manufacture serial number information 11 and portable cellular phone number 12, in addition to application information 13. Thus, the manufacture's serial number and/or the phone number of the portable cellular phone may be checked so that the packed up application will be restored only when said numbers match corresponding number on the portable cellular phone 14.

Claims 1-8 were rejected under 35 U.S.C § 102(b) as anticipated by U.S. Patent No. 5,738, 084 to Isikoff. Claim 9 was rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,418,837 to Johansson et al. in view of Isikoff and further in view of U.S. Patent No. 6,728,547 to Frank et al. Applicant traverses these rejections as discussed below.

Claims 1-8

The Examiner has rejected independent Claim 1 and dependent Claims 2-8 under 35 U.S.C §102(b) as anticipated by Isikoff. Applicant respectfully traverses on the basis that the disclosure of Isikoff does not describe Claims 1-8, in part because the system disclosed and taught by Isikoff is specified to be a laptop computer equipped with a cellular modem or similar connectivity facility, while Claims 1-8 (and Claim 9, discussed separately below) claim backing up applications of a cellular telephone. Furthermore, the techniques employed by Isikoff would not result in the claimed invention even if *arguendo* they could be applied to a cellular telephone.

Isikoff discloses and teaches a laptop security system in which a cell phone connectivity facility may be used to enhance the security, and in which applications software may be enabled to "back up files via automatic transmission to a host." (Isikoff, Claim 6)

Isikoff teaches use of a "cellular phone transceiver" which may require manual or automated entry of a password to gain access to a cellular communications network. (Isikoff, column 3, lines 12-22) The examiner is incorrect, however, in finding this to be equivalent to the identification information of independent Claim 1, on which Claims 2-8 (and Claim 9, discussed separately below) depend. Isikoff does not disclose or teach a matching of application identification information to device

identification information, which is essential independent Claim 1:

> a step of storing backup application information to be used in said portable cellular phone and identification information used to identify said portable cellular phone in a backup device;
>
> a step of transferring, when said application information is backed up, said application information with said identification information being added from said backup device to said portable cellular phone;
>
> a step of said portable cellular phone comparing the transferred identification information with identification information of said portable cellular phone; and
>
> a step of copying said backup application information only when both of said identification information match each other.

(Claim 1, lines 3-12) (emphasis added) This should not be surprising, since the purpose of Isikoff is to provide a security system by which laptop computers may be disabled "when the laptop has been stolen or tampered with" (Isikoff, Claim 1), while the purpose of the claimed invention is "to provide a method for backing up applications of portable cellular phones which is capable of preventing an illegal copying of the applications." (Specification at 2, lines 18-20)

Thus, where Isikoff protects the owner of a laptop computer against theft or tampering from the outside, Claims 1-8 (and Claim 9, discussed separately below) protect the licensor of a cell phone application from unauthorized copying by the licensee or others. (Specification at 2, lines 18-20; at 4, lines 13-18; and at 14, lines 13-15)

Claim 9

The Examiner has rejected dependent Claim 9 under 35 U.S.C §103(a) as unpatentable over Johansson et al. in view of Isikoff and further in view of Frank et al. Applicant respectfully traverses on the basis that the references do not suggest Claim 9 and on the basis that Claim 9 should be allowed as dependent from allowable Claim 1. The inapplicability of Johansson et al. and Frank et al. to Claim 9 is fully discussed in Applicant's response to the previous office action, which is incorporated herein by reference. In brief, however, Johansson et al. do not disclose a backup

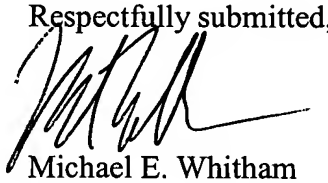
method of the type claimed in independent Claim 1, while Frank et al. do not suggest the restoration of a Java application from a backup device as claimed in Claim 9. Isikoff is inapplicable to Claim 9 for the same reasons it is inapplicable to Claims 1-8, as discussed above.

Conclusion

In view of the foregoing, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if needed.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson).

Respectfully submitted,



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